

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**RICKY WILLIAMS**

**PLAINTIFF**

**V.**

**CAUSE NO. 3:10-CV-00620-CWR-FKB**

**JOHN E. POTTER**

**DEFENDANT**

**ORDER DENYING MOTION FOR DEFAULT JUDGMENT**

In order to perfect service of process on the Postmaster General, a plaintiff must serve a copy of the Complaint and a summons on three entities: the defendant, the United States attorney, and the Attorney General.<sup>1</sup> Additionally, “the duty to answer only arises after service has been perfected.”<sup>2</sup>

In this case, the record reveals that the plaintiff has served process only on the defendant.<sup>3</sup> And because service has not been perfected, the duty to answer has not arisen.<sup>4</sup>

Therefore, the plaintiff’s motion for default judgment<sup>5</sup> is denied.

SO ORDERED this Eleventh day of July 2012.

/s/ Carlton W. Reeves  
Hon. Carlton W. Reeves  
United States District Court Judge

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<sup>1</sup> *Shore v. Henderson*, 168 F. Supp. 2d 428, 431 (E.D. Pa. 2001).

<sup>2</sup> *Conn v. United States*, 823 F. Supp. 2d 441, 444 (S.D. Miss. 2011) (quoting *Jenkins & Gilchrist v. Groia & Co.*, 542 F.3d 114, 123 n.6 (5th Cir. 2008)).

<sup>3</sup> See Process Receipt and Return [Docket No. 6].

<sup>4</sup> The absence of a duty to answer, however, does not preclude a defendant from moving for dismissal on the basis of a lack of jurisdiction. See Fed. R. Civ. P. 4(m).

<sup>5</sup> Motion to Show Cause/Judgement [*sic*] By Default [Docket No. 8].